

Application No. : 10/635,749
Filed : August 5, 2003

REMARKS

Claims 1 – 44 were pending in the application. By this paper, Applicant has amended Claims 2, 3, 20, 21, 27, 32, 40, and 41. Accordingly, Claims 1 – 44 are presented for examination herein.

Allowed Claims

Per page 4 of the Office Action, Claims 1, 4 – 8, 19, 22 – 26 and 37 – 39 each stand allowed. Applicant thanks the Examiner for such allowances.

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§101 Rejections

Claims 2, 3, 9 – 18, 20, 21, 27 – 36 – Per page 2, Par. 1, Claims 2, 3, 9 – 18, 20, 21 and 27 – 36 each stand rejected under 35 U.S.C. 101 as the Examiner alleges the claimed inventions are directed to non-statutory subject matter. The Examiner has suggested that the Claims be amended so as to include a recitation of, *inter alia*, “*computer executable instructions*”. Although Applicant believes that the aforementioned Claims as previously presented comprise statutory subject matter, Applicant has herein amended Claims 2, 3, 20, 21, 27 and 32 to recite “*computer executable instructions*”.

Applicant respectfully submits that Claims 2, 3, 9 – 18, 20, 21 and 27 – 36 are now in condition for allowance as well.

§103 Rejections

Claims 40 – 44 – Per page 3, Par. 3 of the Office Action, Claims 40 – 44 each stand rejected as being unpatentable over Stone et al. (U.S. Patent No. 6,519,657, hereinafter “Stone”). Specifically, the Examiner gave little weight to the term “*senior border node*” as the Examiner alleges that no functional limitation is found in the claim language. While Applicant does not agree with this assertion, it has none-the-less herein amended Claims 40 and 41 to include a limitation “*wherein said senior border node is responsible for ensuring compliance with gap timers for said plurality of nodes*”. Support for Applicant’s amendment can be found, *inter alia*, at paragraph [0097] of Applicant’s specification as filed. Applicant respectfully submits that

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Applicant's amendment further distinguishes Claims 40 – 44 over the prior art, including Stone, and places Claims 40-44 in condition for allowance.

Other Remarks

5 Applicant hereby specifically reserves all rights of appeal (including those under the Pre-Appeal Pilot Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

10 Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

15 Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

20 Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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